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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,298	03/12/2004	Noriyuki Ishida	D-1592	5779

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EXAMINER

WAMBACH, MARGARET R

ART UNIT PAPER NUMBER

2816

DATE MAILED: 08/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/798,298

Applicant(s)

ISHIDA, NORIYUKI

Examiner

Margaret R Wambach

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 and 7 is/are rejected.
- 7) ☒ Claim(s) 2-6 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsukakoshi, Wakabayashi, Kawamura et al (hereafter "Kawamura") and Nakata.

Referring to Figure 8 of Tsukakoshi, an electromagnetic counter (column 1, line 9) is taught comprising a case (5), an electromagnet disposed in the case (42), an anchor (22 and 23) disposed adjacent to the electromagnet (22 and 23 are adjacent to 42) to be rotatable through magnetization and demagnetization of the electromagnet (3 moves with the change in magnetization and, as a result, rotates the anchor) and a number wheel connected to the anchor (2) and rotating at a predetermined angle (the rotational angle at which 2 turns is determined by the rotational angle between the teeth of the anchor) as recited in claim 1.

What Tsukakoshi fails to teach that is recited in claims 1 and 7 is a flexible board disposed in the case and having a light emitting diode for illuminating the number wheel wherein the light emitting diode includes a plurality of light emitting diodes illuminating different colors.

These differences are taught by Wakabayashi, Kawamura and Nakata as follows: Wakabayashi teaches a light which illuminates a numeral display for an electromagnetic counter (column 1, lines 30-37). Kawamura teaches using a plurality of light emitting diodes illuminating different colors for visual indicators in a device employing an electromagnetic counter (column 4, lines 10-15, column 6, line 63 through column 7, line 12). Nakata teaches mounting an LCD on a flexible board (column 4, line 22-25.)

To obtain the invention recited in claims 1 and 7, Tsukakoshi must be modified such that it employs a light to illuminate its numerical display as taught by Wakabayashi and that the specific illumination means employed includes LEDs mounted on a board as taught by Nakata and illuminating in different colors as taught by Kawamura.

Motivation for these modifications are provided by Wakabayashi which teaches that indicated figures can be hard to read in an electromechanical counter and that it is beneficial to illuminate them (column 1, for instance), by Kawamura that teaches that LEDs can illuminate different colors which have the advantage that the colors themselves can be used to convey information and by Nakata which teaches that flexible boards are advantageous to use as mounts for LEDs because the flexible boards can be bent.

Allowable Subject Matter

Claims 2-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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The following is a statement of reasons for the indication of allowable subject matter: The prior art does not teach or reasonably suggest arranging a flexible board in a space between a cover member, which covers the frame member, and the frame member. As mentioned in the specification, an electromagnetic counter is typically used in devices such as copying machines. Such machines, as shown in the prior art, place the cover in the back of the machine, away from the display because, among other reasons, tampering with the display to reduce the user's cost is a problem (please see Tsukakoshi.) Thus, the prior art has large cover members which cover the frame members and which are secured to the back of the machine. The displays are invariably on the front of the machines. There is no motivation to place a cover member large enough to cover the frame member in a position such that a flexible board with the LEDs is between the cover member and the frame member. In fact, there is not even motivation for placing an LED flexible board outside the frame member.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Margaret R Wambach whose telephone number is (571)272- 1756. The examiner can normally be reached on Monday, Tuesday, Thursday and Friday 6am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Callahan can be reached on (571)272-1740. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Margaret R Wambach
Primary Examiner
Art Unit 2816

mrw